

**HALLORAN  
& SAGE LLP**  
ATTORNEYS AT LAW

**KEVIN M. ROCHE** Direct 860 297-4605 [roche@halloran-sage.com](mailto:roche@halloran-sage.com)  
Also admitted in Massachusetts

May 16, 2005

The Honorable Reginald C. Lindsay  
United States District Court  
One Courthouse Way  
Boston, Massachusetts 02210

Re: Argonaut Insurance Company v. First State Insurance Company,  
C.A. No.: 05-CV10184-RCL

Dear Judge Lindsay:

I represent the petitioner, Argonaut Insurance Company ("Argonaut"), in this matter which involves a petition for confirmation of an arbitration award. The petition was filed by Argonaut on January 28, 2005. Contemporaneously, Argonaut also filed a motion to impound the record in this matter. On February 14, 2005, respondent First State Insurance Company ("First State") filed its Answer to Petition and filed a Memorandum in Further Support of Argonaut's motion to impound the record herein.

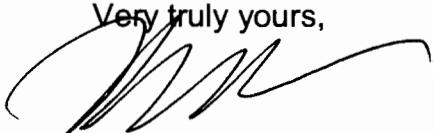
On February 22, 2005, the Court denied, without prejudice, Argonaut's motion to impound pending an explanation, independent of the parties' agreement, as to why the papers should be impounded. On February 22, 2005, counsel for First State, Mr. Elcock, notified the Court that the parties were discussing settlement of the matter and requested that the Court refrain from issuing any decision pending the outcome of those discussions.

As of today's date, the parties have not reached a settlement, and it does not appear that they will do so. Therefore, it is petitioner Argonaut's position that this matter is now ripe for an entry of judgment confirming the arbitration award.

Argonaut has nothing further to add to in support of its motion to impound. Argonaut requests that the Court enter judgment on its Petition to Confirm Arbitration Award forthwith.

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Thank you for your consideration of these matters.

Very truly yours,  
  
Kevin M. Roche

cc: Thomas M. Elcock, Esq.  
Lloyd Gura, Esq.  
Counsel for First State

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